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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,388	07/06/2000	WOLFGANG STELZIG	10191/1355	7376
26646	7590	07/13/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			HARPER, KEVIN C	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/530,388	Applicant(s) STELZIG ET AL	
	Examiner Kevin C. Harper	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 10-22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 10-12 and 16-18 is/are rejected.
 7) ☒ Claim(s) 13-15 and 19-22 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed April 26, 2006 with respect to Hayashi in view of Mosebrook have been fully considered but they are not persuasive. Applicant argued that Mosebrook does not disclose determining a time slot belonging to the bus station based on position information of a transmitting bus station and the position of the bus station. However, in Mosebrook the bus stations transmit in sequence (fig. 18) such that information received is only transmitted during an appropriate time slot based on the position of the transmitting bus station and the position of the bus station receiving the information (col. 24, lines 56-58; col. 27, lines 11-14; col. 27, lines 27-35).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 10-12 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US 5,907,540) in view of Mosebrook et al. (US 5,848,054).

2. Regarding claims 10 and 12, Hayashi discloses a bus station (fig. 1, items A-E) for exchanging with other bus stations communications including a data packet (fig. 7) and transmission information (fig. 10, item 13d and 13e). The bus station stores position information in relation to a sequence of bus stations (fig. 12, step 806; col. 11, lines 35-41) and forwards a received data packet (col. 12, lines 35-42). However, Hayashi does not disclose determining a time slot belonging to the bus station based on position information and transmitting the packet in the next time slot belonging to the bus station. Mosebrook discloses bus stations that

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determine an appropriate time slot for transmission based on position (fig. 1; col. 7, lines 3-9; col. 26, lines 48-61; fig. 22A). Therefore, it would have been obvious to one skilled in the art at the time the invention was made for a bus station to determine an appropriate time period for communication in the invention of Hayashi in order to ensure that data is properly transmitted to a bus station device (Mosebrook, abstract, last six lines; note: sequenced time slots - fig. 18).

3. Regarding claims 11 and 16-17, in Hayashi a direction vector indicates a sequence that will be run from a source to a destination (fig. 10, item 12f - RSAF; col. 9, lines 5-16; col. 9, line 63 through col. 10, line 2; col. 10, lines 3-5 and 10-13).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Mosebrook as applied to claim 10 above, and further in view of Faber (US 5,369,745).

4. Regarding claim 18, Hayashi in view of Mosebrook does not disclose selecting a packet for transmission based on a shorter remaining transit time. Faber discloses selecting a packet for transmission based on remaining transit time (col. 3, lines 40-45) where the unselected packet is not transmitted (processed). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit a packet with the shorter remaining transit time in the invention of Hayashi in view of Mosebrook in order to reduce congestion within the network by transmitting the data packet which will reach its destination soonest (Faber, col. 1, lines 18-25).

Allowable Subject Matter

5. Claims 13-15 and 19-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To, can be reached at 571-272-7629. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Kevin C. Harper', is positioned above the printed name.

Kevin C. Harper

July 9, 2006